

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 1:05CR80-P-D

ANTHONY CABANISS,

DEFENDANT.

THIRD ORDER OF CONTINUANCE

This matter comes before the court upon Defendant's Motion for Continuance [31-1]. Upon due consideration of the motion, the court finds as follows, to-wit:

Trial is currently set for January 23, 2005. Defense counsel avers that due to previously scheduled trials in the month of January, he needs additional time to visit with the defendant and to otherwise prepare for his client's defense. The Government has no objection to the continuance.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(8)(A), the period of delay from January 23, 2005 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to afford the defendant's counsel more time to adequately prepare for his client's defense. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS THEREFORE ORDERED AND ADJUDGED that:

- (1) Defendant's Motion for Continuance [31-1] is hereby **GRANTED**;
- (2) Trial of this matter is continued until Monday, February 27, 2006 at 9:00 a.m. in the United States Courthouse in Greenville, Mississippi;
- (3) The delay from January 23, 2006 to February 27, 2006 is excluded as set out above;

(4) The deadline for filing pretrial motions is February 6, 2006; and

(5) The deadline for submitting a plea agreement is February 13, 2006.

SO ORDERED, this 28th day of December, A.D., 2005.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE